12-27-05

AF/2121

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

INVENTOR: Donald R. Boys
CASE: P665
SERIAL NO.: 09/760,366 **GROUP ART UNIT:** 2121
FILED: 01/12/2001 **EXAMINER:** Pham, Thomas K.
SUBJECT: Method and Apparatus for Monitoring and Transferring a Client from a Low Priority Access Number to a Higher Priority Access Number during Active Internet and Other WAN Connection-Sessions

PARTY IN INTEREST: All inventions in the disclosure in the present case are assigned to or assignable to:

Not Assigned

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

APPEAL BRIEF

1.0 Real Party in Interest

The real parties in interest are the parties named above in the caption of the brief, Not Assigned

2.0 Related Appeals and Interferences

This is an appeal from the Office Action of the Primary Examiner dated 08/26/2005 Finally rejecting claims 1-42, the only pending claims in the application. There are no related appeals of the claims in this case or interferences in the instant case.

3.0 Status of the Claims

Following is the status of all claims in the instant case:
Claims 1-42 Rejected - appealed in this brief.

4.0 Status of Amendments

No amendments have been filed subsequent to the Final rejection of claims 1-42, the subjects of this appeal.

5.0 Summary of the Claimed Subject Matter

Following is a concise explanation of the subject matter defined in each of the standing independent claims 1, 16 and 24.

5.1 Independent system claim 1

1. A network-based hardware and software system for enabling priority-based Internet access telephone number switching from a lower priority access number to a higher priority access number during a data session through monitoring current connection states

of a user node connected to the network during session and comparing those states with current states of known alternate access numbers available to the user node during the network session, comprising:

a CTI-switch [Fig. 1, element 41, first described page 11, line 20] for establishing call connections and performing call switching according to instruction formulated through the monitoring;

a network-hosted part of a software application [Figs. 1 and 2, element 45a, first described page 12, line 4] for monitoring the current user-node connection states and the current states of the alternate access numbers and for directing the CTI-switch [41] function based on results of the monitoring;

at least two network-access nodes [Fig. 1, element 15, first described page 10, line 8] connected to the network, the access nodes [15] each accessible through dialing a network-access telephone number from the user node; and

a client-hosted part of the software application [Figs. 1 and 2, element 45b, first described page 12, line 8] for listing access numbers, configuring priority states to the access numbers based on priority characteristics of the access numbers including one or both of call connection cost and bandwidth characteristics, and for communicating the pertinent data to the network-hosted part of the software application [45a], characterized in that a user connected to the network using a lower priority access number may continue the network session while a higher priority access number available to the user's node [15] is identified from a list of alternate numbers through the monitoring performed by the network-hosted software application [45a] during the session, the identified number, also identified as currently accessible to the user's node [15], is either secured by the CTI-switch [41] on behalf of the user, the user's node [15] then disconnected and then re-connected to the secured number, or rendered to the user in a network notification after which, the user may manually disconnect and then re-connect to the available number.

In summary, in claim 1, a network-based system is provided which transfers a dial-up Internet connection to an Internet service provider established by a user node connected to the system, from a lower-priority connection to a higher-priority connection while the user node is in session without interruption of on-line activities. A network-

hosted part of a software application executing on a CTI processor connected to the system monitors the connection state of the user node as well as the current states of alternate Internet access telephone numbers and directs a CTI switch connected to the system to perform connection switching based on results of the monitoring. A client-hosted part of the software application executing on the user node maintains a listing of alternate Internet access telephone numbers, configures priority states for those numbers based on priority characteristics of the numbers, and communicates the pertinent data to the network-hosted part of the software application. Through the monitoring by the network-hosted part of the software application, a higher priority access number may be identified for a user node connected to the Internet using a lower priority number, and the user node is disconnected from the lower priority number and reconnected to the higher priority number during an active Internet session, or the higher priority number may be rendered to the user via network notification after which the user may manually disconnect from the lower priority number and then reconnect to the higher priority number. The automated transfer of a Wan-connected user from a low priority Internet access telephone number connection to a high priority number connection provides the user the ability to first connect to the Internet using a lower priority number and have reasonable assurance that the connection will be transferred to a higher priority access number, without having to interrupt the Internet session.

5.2 Independent claim 16

16. A software-control application for enabling priority-based Internet access telephone number switching from a lower priority access number to a higher priority access number during a data session conducted by a user [Fig. 1, element 15, first described page 10, line 8] connected to a data-packet-network through one of a list of available access numbers comprising:

a network-hosted part of the software application [Figs. 1 and 2, element 45a, first described page 12, line 4] for initiating and directing the priority-based number switching based on monitored results;

a client-hosted part of the software application [Figs. 1 and 2, element 45b, first

described page 12, line 8] for configuring at least one access number list including associated priority characteristics including those of one or both of call connection cost and bandwidth, and communicating the listing characteristics to the network-hosted part of the software application [45a]; and

a network-communication path between the client-hosted part of the software application [45b] and the network-hosted part of the software application [45a], the network-communication path enabling bi-directional communication between the parts of the software application, characterized in that the data connection for a user [15] engaged in a data session on the data-packet-network using a lower priority access number may during the session be switched according to software instruction from the connection using the lower priority access number to a connection using an identified higher priority access number during the same session without manual intervention required of the user.

In summary, in claim 16, a network-based software-control application is provided comprising a network-hosted part of a software application which monitors the connection state of a user node as well as the current states of alternate Internet access telephone numbers and a client-hosted part of the software application which maintains a listing of alternate Internet access telephone numbers and configures priority states for those numbers based on priority characteristics of the numbers, and communicates the pertinent data to the network-hosted part of the software application. Through the monitoring by the network-hosted part of the software application, a higher priority access number may be identified for a user node connected to the Internet using a lower priority number, and the user node is disconnected from the lower priority number and reconnected to the higher priority number during an active Internet session. The automated transfer of a Wan-connected user from a low priority Internet access telephone number connection to a high priority number connection provides the user the ability to first connect to the Internet using a lower priority number and have reasonable assurance that the connection will be transferred to a higher priority access number, without having to interrupt the Internet session.

5.2 Independent method claim 27

27. In an active data session conducted by a user operating a computerized node [Fig. 1, element 15, first described page 10, line 8] on a data-packet-network, a method for detecting an available higher priority Internet access telephone number from a list of known numbers and switching the connection of the computerized node [15] to a connection using the higher priority access number during the session comprising steps of:

(a) connecting the computerized node [15] to the network using a lower priority number included in the list of known numbers;

(b) identifying the current lower priority number in the list of known numbers;

(c) comparing the priority assignment of the lower priority number with a the priority assignments of other numbers in the list of known numbers;

(d) identifying one or more higher priority numbers contained in the list of known numbers;

(e) monitoring the identified higher priority numbers for one or both of connection cost and availability; and

(f) upon detecting an available higher priority number, switching the current data session connection using the lower priority access number to a connection using the higher priority access number.

In summary, in claim 27, a method is provided for detecting an available higher priority Internet access telephone number from a list of known numbers and switching the connection of an Internet-connected computerized user node to a connection using the higher priority access number during an Internet session. The computerized node is first connected to the network using a lower priority (backup) number included in a list of known numbers maintained by a user-hosted part of a software application. The current lower priority number in the list of known numbers is identified, and the priority assignment of the lower priority number with the priority assignments of other numbers in the list of known numbers is compared by a network-hosted part of the software application. One or more higher priority numbers contained in the list of known numbers is identified by the network-hosted part of the software application, which also

monitors the identified higher priority numbers for one or both of connection cost and availability. Upon detecting an available higher priority number, the current data session connection using the lower priority access number is switched to a connection using the higher priority access number, automatically and transparently to the user without interruption of the Internet session.

6. Grounds of Rejection to be Reviewed on Appeal

Claims 1-42 stand Finally rejected under 35 U.S.C. 102(e) as being anticipated by MeLampy (U.S. Patent No. 6,606,668) hereinafter MeLampy.

7. Argument

Because there is but one ground of rejection, as indicated above, there are no separate subheadings under "Argument".

Appellant believes that the Examiner in this case has neglected to adequately consider the claimed limitations, which specifically recite switching between lower-priority and higher-priority Internet access telephone numbers for an Internet-connected user, and has therefore failed to make a prima facie case for anticipation in the standing rejection.

The Examiner's Arguments:

In the Office Action mailed in the above referenced case on May 21, 2004, regarding independent claims 16 and 27 the Examiner rejected the claims as being anticipated by Montalvo. The Examiner stated that Montalvo taught a software control application for priority based number switching from a lower priority access number to a higher priority access number during a data session conducted by a user connected to a data packet network through on of a list of available access numbers.

Appellant argued that Montalvo taught an apparatus and method for compiling a list of telephone dialing strings for the connection of a telecommunications device to an external network, and that Montalvo creates, prioritizes and stores dialing strings to be used to make a connection to an outside network. A user in Montalvo, using a lap top or other mobile communication device, needs to connect to an outside network. The user then accesses the program, identifies his/her location, and inputs any possible known access numbers. The program of Montalvo then creates a dialing string and attempts to place a connection to the outside line based on the dialing string. If a number on the string connects it is prioritized in the string. Appellant further argued that in the art of Montalvo the dialer attempts the numbers on the dialing string only until a connection is made, and that there is no monitoring or dial attempt made after the user is connected.

In response the Examiner provided new grounds of rejection in the Office Action dated November 3, 2004, rejecting claims 16-18, 21-22 and 26-29 under 35 U.S.C. 102(e) as anticipated by Blair, and rejecting claims 1-15, 19-20, 23-25 and 30-42 under 35 U.S.C. 103(a) as being unpatentable over Blair in view of Gisby.

In appellant's response dated February 02, 2005, appellant amended the language of the independent claims to more clearly recite that the lower and higher priority access numbers used for the data connection between the user and network nodes are Internet access telephone numbers, and that the data connection using the lower or higher priority access numbers is switched according to the priority characteristics of the access telephone numbers of the priority list.

The Examiner responded in the Office Action dated April 13, 2005 by presenting new grounds of rejection over the sole reference of MeLampy in a 102(e) rejection, necessitated by the previous amendments to the claims to specifically recite switching Internet access telephone numbers based on characteristics of the access numbers including one or both of call connection and cost and bandwidth. Appellant argued extensively that MeLampy taught switching telephone carriers, not telephone numbers, and therefore does not provide a prima facie rejection.

In the Examiner's remarks in the Office Action dated August 26, 2005, Finally rejecting all of the claims over the sole reference of MeLampy, the Examiner stated in his remarks that MeLampy taught managing a large network of switching end-point to switch

telephone calls based on the time of day or week over a switched network such as Voice over IP in order to find a lower cost network for the user. It is the Examiner's position that the term "Internet access telephone numbers", as recited in the standing claims, provides no specific function(s) nor any special meaning at all, and that the term is broad enough to interpret it as "telephone numbers that use the Internet as a global telephone network", or "Voice over IP". The Examiner further stated that MeLampy therefore taught switching telephone calls over a VoIP telecommunication network for cost saving purposes, and provides switching of Internet access telephone numbers to achieve maximum cost savings to the users similar to appellant's claimed invention, and the limitations of appellant's claims are therefore met by the reference. Appellant strongly disagrees with the Examiner's position and statements.

The claimed invention teaches a method and apparatus that enables automated transfer of a WAN-connected client from a low priority access number to a higher priority access number while the client is still in session. Such a method and apparatus enables a client to start a session using a low priority number (backup) and be reasonably assured that he or she will soon be switched to a higher priority number. In a practical sense, the claimed invention enables a client wishing to establish a connection to an ISP, using a long distance number because the local number is busy, to establish the connection, but be switched back to the local number once it is free.

Appellant emphasizes some of the key aspects of the claimed invention which appear to be misunderstood or overlooked by the Examiner in his rejections and remarks in the latest Office Action. Specifically, appellant emphasizes the language in each of the base claims 1, 16 and 27, which recites switching user access <u>from a telephone number</u> currently used to one of a table of telephone numbers based on priority characteristics of the telephone numbers, and ones of the stored table of telephone numbers. Additionally, appellant respectfully points out to the Board that it is the monetary cost to the user (node) using the telephone number that is a main factor in prioritizing alternate telephone numbers to which the user may be switched, and it is this data that is monitored and updated in real time, during a user dial-up Internet connection, so as to intelligently switch the access telephone numbers transparently to the user, or at least make notification to the user of the preferred alternate access telephone number so that the user

may disconnect and reconnect to the new number.

The Examiner has stated that MeLampy teaches the system and methods of the claimed invention for enabling priority-based Internet access telephone number switching...through monitoring current connection states of a user node connected to the network during session and comparing those states with current states of known alternate access numbers available to the user node during the network session (col. 3, lines 35-49). Appellant disagrees for the following reasons.

Firstly, appellant points out that MeLampy does not specifically deal with switching Internet access telephone numbers at all; rather, MeLampy deals with monitoring and prioritizing telephony carriers, and maintaining and updating a table of carriers, prioritized according to cost, based on originating SSP, time of day, day of week or month, and so on. MeLampy teaches monitoring the cost of using a carrier, not the cost of using a specific Internet access telephone number, as in the claimed invention. The rather common practice of Examiners in rejecting claims because prior art teaches alternative inventions that might accomplish the same or similar purposes does not provide prima facie rejections, and should be discouraged. To create a prima facie rejection, the actual elements of the claimed invention must be shown in the art, and appellant strongly believes that this is not the case in the prior art presented by the Examiner.

The invention of the present application teaches and claims switching telephone numbers, and monitoring telephone numbers as well as bandwidth, not circuit availability and carrier costs, as in MeLampy. The invention is directed toward solving the problem with Internet dial-up users of not always being connected to the most economical Internet dial-up access telephone number possible at any given time during an Internet session. The largest body of users that routinely access the Internet do so using a dial-up/modem method accessing Internet dial-up telephone numbers.

In some cases, telephony limitations in capacities of local switches in the local telephone network may contribute to the problem of attempting to connect to a local ISP. This may be the case if there are a large number of individuals continually re-trying busy ISP numbers. This effect acts as a virtual pool or queue of callers with only one successfully connecting when one connected user drops off and a modem becomes

available.

An alternative to waiting for a local ISP access number to become available is to use a back-up number to another ISP location. Often, these numbers are long distance numbers. A common situation that occurs for many users operating in medium to small municipalities, or from rural areas, is that the local numbers are very often busy while back-up long distance numbers offer more assured access probability. This is especially true when the back-up number is to an ISP located in a more metropolitan area having better infrastructure.

Many Internet service providers are local only to a particular community and do not have access telephone numbers available for other ISP access locations. However, most large providers offer many numbers that connect to a plurality of regional ISP locations. A user forced to use a long distance backup number will generally limit his or her Internet activity because of the incurred charges for long distance access. To solve this problem, the claimed invention provides a method and apparatus that enables automated transfer of a WAN-connected client from a low priority access telephone number to a higher priority access number while the client is still in session, enabling a user to start an Internet session using a low priority number (backup) and be reasonably assured that he or she will soon be switched to a higher priority number.

Upon thorough review of MeLampy, it is clear to appellant that the reference explicitly teaches nothing to do with switching the data connection between a user node and network level nodes, by switching the Internet telephone access telephone numbers used in obtaining the data connection, from one access number having a first priority assigned based on monitored call and connection characteristics, to another access number having a second priority assigned. The reference, in fact, nowhere mentions or suggests anything having to do with switching data connections on behalf of the user by switching Internet access telephone numbers used in said data connections, or application software comprising a list of current and alternate Internet access telephone numbers from which to establish alternate data connections during a data session, each access number having a specific priority assigned, based on characteristics of the access telephone number, such as toll cost, etc.., or other characteristics of the data connection using the Internet access telephone number for dial-up Internet access. MeLampy teaches

switching telephone carriers, not telephone numbers, and therefore does not provide a prima facie rejection. In the claimed invention a method and apparatus is taught that enables automated transfer of a WAN-connected client from a low priority access number to a higher priority access number while the client is still in session. Such a method and apparatus enables a client to start a session using a low priority number (backup) and be reasonably assured that he or she will soon be switched to a higher priority number. In a practical sense, the claimed invention enables a client wishing to establish a connection to an ISP, using a long distance number because the local number is busy, to establish the connection, but be switched back to the local number once it is free. In contrast, MeLampy teaches switching carriers, not Internet access telephone numbers. An ISP may have a multitude of access telephone numbers, some of which are at a higher cost for usage than others. By switching a user from one carrier to another, such as in MeLampy, the potential cost savings to the user are simply not realized in the prior art presented.

Appellant therefore strongly believes that independent claims 1, 16 and 27 are clearly and unarguably patentable over the prior art of MeLampy provided by the Examiner. Depending claims 2-15, 17-26 and 28-42 are then patentable on their own merits, or at least as depended from a patentable claim. Accordingly, appellant respectfully requests that the Board reverse the Final rejection of claims 1-42 and hold the claims allowable.

8. Claims Appendix

The claims involved in the appeal are:

1. A network-based hardware and software system for enabling priority-based Internet access telephone number switching from a lower priority access number to a higher priority access number during a data session through monitoring current connection states of a user node connected to the network during session and comparing those states with current states of known alternate access numbers available to the user node during the network session, comprising:

a CTI-switch for establishing call connections and performing call switching according to instruction formulated through the monitoring;

a network-hosted part of a software application for monitoring the current user-node connection states and the current states of the alternate access numbers and for directing the CTI-switch function based on results of the monitoring;

at least two network-access nodes connected to the network, the access nodes each accessible through dialing a network-access telephone number from the user node; and

a client-hosted part of the software application for listing access numbers, configuring priority states to the access numbers based on priority characteristics of the access numbers including one or both of call connection cost and bandwidth characteristics, and for communicating the pertinent data to the network-hosted part of the software application, characterized in that a user connected to the network using a lower priority access number may continue the network session while a higher priority access number available to the user's node is identified from a list of alternate numbers through the monitoring performed by the network-hosted software application during the session, the identified number, also identified as currently accessible to the user's node, is either secured by the CTI-switch on behalf of the user, the user's node then disconnected and then re-connected to the secured number, or rendered to the user in a network notification after which, the user may manually disconnect and then re-connect to the available number.

2. The network-based system of claim 1, wherein the network accessible through the access numbers is the Internet network.

3. The network-based system of claim 2, wherein the Internet is access through a telephony network.

4. The network-based system of claim 3, wherein the telephony network is the public-switched-telephony-network (PSTN).

5. The network-based system of claim 4, wherein the priority characteristics of the access numbers include at least the access and connection costs of using the numbers.

6. The network-based system of claim 5, wherein the lowest cost access number retains the highest priority, the priority ratings graduating down for each access number in a list of numbers, the highest cost access number retaining the lowest priority.

7. The network-based system of claim 6, wherein access numbers costing the same or exhibiting a negligible difference in cost to retain a same priority rating.

8. The network-based system of claim 4, wherein the priority characteristics of the access numbers include bandwidth characteristics of the associated network-access nodes.

9. The network-based system of claim 8, wherein a network-access number associated with a network-access node performing at higher bandwidth retains higher priority rating.

10. The network-based system of claim 4, wherein priority characteristics for a network-access number include both cost characteristics and bandwidth characteristics of the associated network-access server node.

11. The network-based system of claim 7, wherein the network-hosted part of the software application is hosted at the CTI-switch.

12. The network-based system of claim 11, wherein the client-hosted part of the software application communicates to the network-hosted part of the software application through a telephone-access number and interactive-voice-response interaction.

13. The network-based system of claim 7, wherein the network-hosted part of the software application is hosted by network-connected server node.

14. The network-based system of claim 13, wherein the network-hosted part of the software application communicates to the CTI switch through a network interface.

15. The network-based system of claim 14, wherein the network-hosted part of the software application communicates with the client-hosted part of the software application through an Internet path.

16. A software-control application for enabling priority-based Internet access telephone number switching from a lower priority access number to a higher priority access number during a data session conducted by a user connected to a data-packet-network through one of a list of available access numbers comprising:

a network-hosted part of the software application for initiating and directing the priority-based number switching based on monitored results;

a client-hosted part of the software application for configuring at least one access number list including associated priority characteristics including those of one or both of call connection cost and bandwidth, and communicating the listing characteristics to the network-hosted part of the software application; and

a network-communication path between the client-hosted part of the software application and the network-hosted part of the software application, the network-communication path enabling bi-directional communication between the parts of the software application, characterized in that the data connection for a user engaged in a data session on the data-packet-network using a lower priority access number may during the session be switched according to software instruction from the connection using the lower priority access number to a connection using an identified higher priority access number during the same session without manual intervention required of the user.

17. The software-control application of claim 16, wherein the data-packet-network is the Internet network.

18. The software-control application of claim 17, wherein the user utilizes a personal computer for Internet connection using dial-up modem software.

19. The software-control application of claim 18, wherein the network-hosted part of the software application is hosted on a CTI telephony switch.

20. The software-control application of claim 19, wherein the network-hosted part of the application includes modules for monitoring a user connection, for storing and presenting a list of ISP-access numbers, for determining higher priority from the list, and for instructing the CTI telephone switch.

21. The software-control application of claim 18, wherein the network-hosted part of the

software application is hosted on a network-connected server.

22. The software-control application of claim 21, wherein the network-hosted part of the software application includes modules for monitoring a user connection, for storing and presenting a list of ISP-access numbers, for determining higher priority from the list, for simulating an out-bound dialer, for Internet communication, for Internet navigation, for user notification, and for ringing-event detection.

23. The software-control application of claim 22, wherein the network-hosted part of the application controls CTI switch function through a network gateway.

24. The software-control application of claim 19, wherein the client-hosted part of the software application communicates to the network-hosted part of the software application through a telephone-access number and interactive-voice-response interaction.

25. The software-control application of claim 24, wherein the network-communication path is established through a telephony network using connection-oriented-switched-telephony lines.

26. The software-control application of claim 21, wherein the network-communication path is established through the Internet using Internet Protocols.

27. In an active data session conducted by a user operating a computerized node on a data-packet-network, a method for detecting an available higher priority Internet access telephone number from a list of known numbers and switching the connection of the computerized node to a connection using the higher priority access number during the session comprising steps of:

(a) connecting the computerized node to the network using a lower priority number included in the list of known numbers;

(b) identifying the current lower priority number in the list of known numbers;

(c) comparing the priority assignment of the lower priority number with ~~a~~ the priority assignments of other numbers in the list of known numbers;

(d) identifying one or more higher priority numbers contained in the list of known numbers;

(e) monitoring the identified higher priority numbers for one or both of connection cost and availability; and

(f) upon detecting an available higher priority number, switching the current data session connection using the lower priority access number to a connection using the higher priority access number.

28. The method of claim 27, wherein the data-packet-network is the Internet network.

29. The method of claim 28 wherein in step (a), the computerized node is a personal computer accessing through an Internet Service Provider (ISP) and the list of access numbers comprise available alternative ISP numbers.

30. The method of claim 29 wherein in step (a), the listed access numbers represent numbers generic to more than one ISP.

31. The method of claim 29 wherein in step (b), identification is performed in a CTI telephony switch by CTI software.

32. The method of claim 29 wherein in step (b), identification is performed in an Internet server by server software.

33. The method of claim 31 wherein in step (c), comparison is performed by CTI software associated with the CTI telephony switch.

34. The method of claim 32 wherein in step (c), comparison is performed by the server software associated with the Internet server.

35. The method of claim 33 wherein in step (d), identification is performed by CTI software associated with the CTI telephony switch.

36. The method of claim 34 wherein in step (d), identification is performed by the server software associated with the Internet server.

37. The method of claim 29 wherein the priority states of each listed access number equate with cost of connection and operation of each number from the location of the personal computer.

38. The method of claim 35 wherein in step (e), monitoring includes calling the higher priority numbers periodically, the calls placed from the CTI telephony switch.

39. The method of claim 36 wherein in step (e), monitoring includes calling the higher priority numbers periodically, the calls placed from a CTI telephony switch and initiated from within the Internet server, the server communicating with the switch through a network gateway.

40. The method of claim 36 wherein in step (e), monitoring includes accessing connection servers associated with the higher priority access numbers, the connection

servers providing availability status of the associated number.

41. The method of claim 40 wherein in step (e), the monitoring is performed by the server software associated with the Internet server.

42. The method of claim 41 wherein in step (f), notification is sent to the personal computer upon detecting a higher priority number and switching is performed according to user response.

9. Evidence Appendix

No evidence other than the arguments and facts presented in this brief is provided.

10. Related Proceedings Appendix

No copies provided, because these claims have never been appealed.

Respectfully Submitted,
Donald R. Boys.

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Certificate of Express Mailing

"Express Mail" Mailing Label Number: **EV708630770US**
Date of Deposit: **12/22/2005**
Ref: Case Docket No.: **P665**
First Named Inventor: **Donald R. Boys**
Serial Number: **09/760,366**
Filing Date: **01/12/2001**
Title of Case: **Method and Apparatus for Monitoring and Transferring a Client from a Low Priority Access Number to a Higher Priority Access Number during Active Internet and Other WAN Conection-Sessions**

I hereby certify that the attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Appeal Brief.
2. Fee transmittal.
3. Duplicate fee transmittal.
4. Check for fees in the amount of $250.00.
5. Certificate of express mailing.
6. Postcard listing contents.

Sheri L. Beasley

(Typed or printed name of person mailing paper or fee)

Sheri L. Beasley

(Signature of person mailing papers or fee)

PTO/SB/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 250.00

Complete if Known	
Application Number	09/760,366
Filing Date	01/12/2001
First Named Inventor	Donald R. Boys
Examiner Name	Thomas K. Pham
Art Unit	2121
Attorney Docket No.	P665

METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 50-0534 Deposit Account Name: Mark A. Boys

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims		Extra Claims	Fee ($)		Fee Paid ($)
0	- 20 or HP =	0	25	=	0

HP = highest number of total claims paid for, if greater than 20

Indep. Claims		Extra Claims	Fee ($)		Fee Paid ($)
0	- 3 or HP =	0	100	=	0

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims Fee ($)	Fee Paid ($)
0	0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee ($)		Fee Paid ($)
	- 100 =	0	/ 50 =	0	(round up to a whole number) x	125	=	0

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	0
Other: Filing a brief in support of an appeal	250.00

SUBMITTED BY

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Name (Print/Type)	Donald R. Boys			Date	12/22/2005